

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LISA FINLAYSON,

Petitioner,

v.

Case Number 19-10884

Honorable David M. Lawson

SHAWN BREWER,

Respondent.

**ORDER REOPENING CASE AND DIRECTING RESPONDENT TO FILE
SUPPLEMENTAL RESPONSE AND RULE 5 MATERIALS**

Petitioner Lisa Finlayson filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 9, 2019, the Court entered an order holding the case in abeyance so that Finlayson could exhaust her state court remedies with respect to claims that she did not raise on direct appeal. The petitioner was directed to file an amended petition within 28 days after the conclusion of the state court proceedings on her unexhausted claims. On January 26, 2021, Finlayson filed a motion to amend her petition and to reopen the case, asserting that she had done so within 28 days after the Michigan Supreme Court finally denied her bid for post-conviction relief. Federal courts have the power to order that a habeas petition be reinstated upon timely request by a habeas petitioner. *Rodriguez v. Jones*, 625 F. Supp. 2d 552, 559 (E.D. Mich. 2009). Because it appears that Finlayson has complied with the deadlines established by the Court's order staying the case, the Court will order the case to be reopened.

Accordingly, it is **ORDERED** that the petitioner's motion to amend the petition and to reopen the case (ECF No. 12) is **GRANTED**, the stay of the proceedings is **DISSOLVED**, and the Clerk of Court shall **REOPEN** the case and restore it to the active docket. The claims and

arguments that were incorporated into the motion to reopen are deemed **FILED** as the petitioner's supplement and amendment to her original petition.

It is further **ORDERED** that the respondent shall file a response to the amended petition and any additional Rule 5 materials **on or before March 11, 2021**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: February 11, 2021